



COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON

MAR 19 1942

B-22714

The Honorable,

The Secretary of Agriculture.

My dear Mr. Secretary:

There has been received, in reply to my letter of January 22, 1942, your letter of March 4, 1942, relative to the claim of the city of Glenwood Springs, Colorado, for \$457.16, as the pro rata share of the costs of sewer construction charged the Government as owner of property in that city.

Briefly, it appears that the city constructed the sewer in a section known as the South Addition containing seventy lots, of which four were owned by the Government, the \$457.16 representing the pro rata cost charged with respect to the four Government-owned lots. The claim was disallowed on the ground that the charge was in the nature of a special assessment and as such not collectible from the United States. Your letter of December 4, 1941, reported the previously unreported fact that the Forest Service had connected one building with the sewer and that it was probable additional buildings would be connected later. With the view to considering whether any part of the claim might be for allowance as a charge for the privilege of connecting with the sewer the building reported to have been constructed, it was suggested in my letter of January 22 that information be furnished as to whether the building was a previously existing building or whether it was connected with the

sewer at the time of the construction of the building and, if the latter, under what funds it was constructed and, further, whether the building occupies more than one of the four lots and, if so, how many.

Your letter of March 4, with reference to the matter, is as follows:

"Reference is made to your letter B-22714 dated January 22, the last paragraph of which requests further information relative to buildings of the Forest Service at Glenwood Springs, Colorado.

"The city sewer to which connection has been made was constructed in June 1937; construction of the Forest Service house began in October 1939 and was completed in August 1940. Connection with the sewer was made in March 1940. Fully completed structures occupy two of the four lots owned by the Government. Construction was partly from Civilian Conservation Corps funds, partly from Salaries and Expenses, Forest Service, and a small amount from Emergency Relief Appropriation funds.

"Construction has begun on a second dwelling and garage occupying the other two lots. For the dwelling, the basement has been dug, and for the garage, the foundation has been poured, but connection with the sewer has not yet been made. These buildings are being constructed from Civilian Conservation Corps funds.

"It is assumed that payment on the basis of two lots may be made for the sewer connection of the buildings heretofore constructed from funds available for obligation at the time the connection was made. Your comment on this is desired as well as decision whether the payment on account of the buildings occupying the remaining two lots may be made at the present time or must await actual connection with the sewer."

While your letter of December 4, 1941, reported that but the one building referred to therein had been connected with the sewer, it is now understood from your letter of March 4 that while but one connection with the sewer was made that connection was, however, made for the use and benefit of and serves buildings on both of

the two lots on which buildings have been constructed. Accordingly, and since it appears that the buildings were constructed in part under the appropriation "Salaries and Expenses, Forest Service" and that the sewer connection was made in March 1940, the claim now will be allowed in the amount of one-half of \$457.16, that is in the amount of \$228.58, under the appropriation "Salaries and Expenses, Forest Service, 1940", the appropriation administratively proposed to be charged on the voucher originally submitted in the matter, as the cost of the privilege of connecting buildings on the two lots with the sewer.

The balance of the claim, that is to say, the remaining one-half thereof charged against the other two lots on which you state a dwelling and garage now are under construction is not for allowance at this time, since the present record indicates they have not been connected with the sewer. However, if and when the buildings under construction on those two lots shall have been connected with the sewer, this office will not be required to object to the payment of the remaining one-half of the amount claimed, that is \$228.58, for the privilege of connecting them with the sewer, payment to be made as part of the construction cost of the buildings and from the funds under which they are being constructed.

Respectfully,

(Signed) Lindsay C. Warren

Comptroller General
of the United States,